

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;  
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

**APPENDIX TO DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT REGARDING MAX  
DUTTON'S CLAIMS**

**A-22**

**Max Dutton Deposition Transcript Exhibit 41**  
Letter from M. Dutton re: Key Incident (11/23/2009)

November 23, 2009

I have enjoyed my sixteen (16) year, nine (9) month career with our company always striving to do the right thing. I do apologize for my conduct on both accounts of giving an hourly associate, my invoice clerk, a set of keys and my sign on. I have been understaffed with management for quite some time which I understand is no excuse. At the time I made these grave mistakes, it was an issue for me, but looking back at the big picture, it was the wrong decision to make and one that will never be made again.

I will always ensure that I am listening to and caring for all of our associates to drive engagement within our store. I feel as if I have a professional relationship with the associates to foster and promote engagement but apparently some associates do not feel that way. I will work harder to let everyone know I am available to them and to not alienate anyone.

I pride myself in perfection to run an exceptional and efficient store, which lead me to use poor judgment resulting in the development of this action plan. I will never allow this to happen again. Although I will always strive for excellence and to follow the examples of the great leaders of this company as role models, I will maintain the values of this company by following all policies and procedures. I look forward to continuing my career with Wal-Mart to complete my 17<sup>th</sup> year of service to this great company in February 2010 and after that to be a stockholder and a lifelong supporter of Wal-Mart.

Max Dutton

